

**REMARKS**

Claim 2 has been cancelled. Therefore, on entering this amendment, claims 1, 3-11 are all the claims pending in this application.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Takashima.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph.

Claims 8 and 11 are rejected under 35 U.S.C. 112, first paragraph.

Claims 2-4, 6, 7, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima in view of Watanuki.

The drawings filed July 6, 2004 are objected to under 37 CFR 1.83(a) for alleged lack of showing every feature of the invention specified in the claims.

The Applicants traverse the rejections and request reconsideration.

***Objections to the Drawings***

The amendments to the claims and further clarifications provided in the following two sub-sections should render the objections to the drawings moot.

***Rejections based on Prior Art***

**Rejection of claims 8 and 11 under section 112, first paragraph**

Claim 8 has been amended to more accurately reflect the structure depicted in Fig. 11.

Page 11, lines 9-16 of the Specification provide support for the corresponding structure.

Rejection of claim 5 under section 112, second paragraph

Claim 5 has been amended to further clarify the scope of the claimed subject matter. As noted in p. 14, lines 19-25, the operator can exchange transponders with ease. By exchanging transponders, the operators can easily change engine performance. Exchanging transponders is believed to be the same as replacing a first transponder with a second transponder. Further it is clearly stated that the performance of the engine is changed. This is believed to provide support to the fact that the first transponder has an ID code corresponding to a first engine performance and the second transponder has an ID code corresponding to a second engine performance.

Rejection of claims based on Takashima and Watanuki

Claim 1 has been amended to include limitations from claim 2. Further, it has also been amended to present the limitations related to the engine performance in a more structural fashion.

The Examiner appears to ignore the limitation related to engine performance as he construes it to be not a structural limitation. The Examiner is believed to be incorrect in his characterization. A control section is believed to be an electronic unit that provides a certain functionality. The functionality is provided by running a certain software or logic. The Applicants respectfully submit that an electronic unit providing a dedicated functionality is structurally different from an electronic unit providing a different functionality. Therefore, the control section of the present invention is structurally different from the on-off mechanism in Watanuki.

The Examiner has not shown where in Watanuki there is a suggestion for the control unit to provide the functionality of changing engine performance based on an ID code from the

transponder. It is believed to be an unreasonable stretch to construe the teaching in Watanuki related to turning the engine on or off to be suggesting changing engine performance based on an ID code from the transponder.

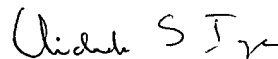
The combined teachings of Takashima and Watanuki do not suggest a control unit that is operable to change the performance of the engine based on an ID code from the transponder.

Claims 3-11 are dependent on claim 1 (as amended), and therefore, should be allowable for the same reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



---

Chid S. Iyer  
Registration No. 43,355

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 8, 2005